

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3015835
Applicant Name: Julie LeDoux
Address of Proposal: 2534 Northeast 94th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel of land into three parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 8,509.1 sq. ft.; B) 7,379.4 sq. ft.; and C) 8,540.1 sq. ft. Existing single family residence to remain and garage to be demolished.

The following approvals are required:

Short Subdivision - to subdivide one existing parcel into three parcels of land.
(Seattle Municipal Code (SMC) 23.24)

SEPA Environmental Threshold Determination (SMC 25.05)

DPD SEPA DETERMINATION

- ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND INFORMATION

<u>Zoning:</u>	Single Family 7200 (SF 7200)
<u>Parcel Size:</u>	24,459 square feet
<u>Existing Uses:</u>	Single Family Dwelling
<u>Environmental Critical Areas:</u>	Steep Slope and Riparian Corridor

Project Proposal:

The applicant proposes the division of one development site into three parcels. The subject site contains an existing detached single family structure and detached garage. The garage will be demolished. Surrounding development consists of detached single family structures on SF 7200 lots.



for illustrative purposes only

Public Comment:

The public comment period ended on September 25, 2013. No comments were received.

ANALYSIS – SUBDIVISION (SMC 23.24.040 and SMC 25.09.240)

The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

- 1. Conformance to the applicable Land Use Code provisions, as modified by this chapter;*
- 2. Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
- 3. Adequacy of drainage, water supply and sanitary sewage disposal;*
- 4. Whether the public use and interests are served by permitting the proposed division of land;*
- 5. Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
- 6. Whether the proposed division of land is designed to maximize the retention of existing trees;*
- 7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
- 8. Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*
- 9. Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
 - a. If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
 - c. No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*
 - d. If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

Conclusion

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been

met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply, and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The short plat application has been reviewed by Seattle Public Utilities and a *Water Availability Certificate* (WAC) was issued on September 5, 2013 (WAC ID No. 20131204). The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

The proposed plat maximizes the retention of existing trees. Four trees identified on the plat drawings and in the arborist report are deemed exceptional status, and are planned to be preserved. These trees can be preserved, depending upon the location of any future construction, the extent of the root systems, and the overall health of the tree. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which sets forth tree planting and exceptional tree protection requirements on single family lots.

Short Subdivisions in Environmentally Critical Areas.

- A. *This section applies to all applications for short subdivisions and subdivisions, excluding unit lot subdivisions, on parcels containing any part of a riparian corridor, shoreline habitat, shoreline habitat buffers, wetlands, wetland buffers, or steep slope areas in addition to the standards in Title 23.*

The short subdivision includes land within a riparian corridor and steep slope area.

- B. *Parcels shall be divided so that each lot contains an area for the principal structure, all accessory structures, and necessary walkways and for access to this area that are outside all environmentally critical areas and buffers identified in subsection A above except as follows:*

Each lot is proposed to have sufficient land area for structures and access to avoid the environmentally critical areas (ECAs).

1. *The required area and access may be located in the footprint of an existing lawful principal structure used for residential use that encroaches into an environmentally critical area or buffer identified in subsection A, provided it does not further alter or increase the impact to the environmentally critical area or buffer.*

The required area and access will not encroach into the ECAs.

2. *Access may be provided by a bridge over a riparian corridor when the Director determines no other access is available and (a) access is provided by a freestanding structure that maintains the natural channel and floodway of the watercourse and (b) the disturbance of the riparian corridor and any other adjacent environmentally critical area or buffer is kept to a minimum.*

No bridge is proposed.

3. *Development may encroach into that portion of a steep slope area or its buffer for which the Director has determined that criteria in subsection 25.09.180 B2a, b, or c are met for the particular short subdivision, or subdivision under consideration.*

The short subdivision includes a non-disturbance area on the plat, and an ECA covenant restricting development within the steep slope or its buffer.

4. *Development may encroach into the Shoreline habitat buffer provided that:*
 - a. *a condition is recorded on the plat restricting the development in the buffer to water dependent or water related uses or to single family residential uses; and*
 - b. *for single family residential uses the condition requires each residence to be no further waterward than twenty-five feet (25') from the ordinary high water mark; and*
 - c. *a condition is recorded on the plat (1) requiring mitigation at the time of development for removal of vegetation, addition of impervious surface, and all other harm to the ecological function of the buffer and habitat resulting from development and (2) setting out on the plat the mitigation standards in subsection 25.09.200 B4e.*

The short subdivision is not within a Shoreline habitat buffer. The short subdivision does contain lands that are within a riparian corridor management area (SMC 25.09.020.D.5.).

- C. *Lots shall be configured to preserve the environmentally critical areas and their buffers identified in subsection A by:*
 1. *Establishing a separate buffer tract or lot with each owner having an undivided interest; or*
 2. *Establishing non-disturbance areas on individual lots.*

The lands of this short subdivision that are within the riparian corridor management area and/or steep slope area are designated on the plat as *non-disturbance areas*. An ECA Covenant has been recorded requiring the placement of four permanent visible markers to delineate the boundaries of the steep slope, and restricting activities within this area.

- D. *The environmentally critical areas and buffers identified in subsection A above, except for areas qualifying for development under subsection B1-4, shall be designated non-disturbance areas on the final plat. A notice that these non-disturbance areas are located on the lots, including the definition of "non-disturbance area," shall be recorded in the King County Office of Records and Elections along with the final plat in a form approved by the Director. At the same time, a covenant protecting non-disturbance areas shall be recorded as set out in Section 25.09.335.*

The ECAs and buffers are identified on the plat as non-disturbance areas, and a covenant has been recorded as set out in SMC 25.09.335. This criterion is satisfied.

- E. *In computing the number of lots a parcel in a single family zone may contain, the Director shall exclude the following areas:*
 1. *Easements and/or fee simple property used for shared vehicular access to proposed lots that are required under Section 23.53.005.*
 2. *The area of the environmentally critical areas and buffers identified in subsection A, unless they are on a lot that meets one of the following standards:*
 - a. *the provisions of subsection B; or*
 - b. *an Administrative Conditional Use is obtained under Section 25.09.260, if it is not practicable to meet the requirements of subsection B considering the parcel as a whole.*

Each lot has sufficient area for access and development outside of the ECA; therefore the provisions of subsection B are satisfied. As such, the number of lots allowed by this subdivision may be calculated by including the area of ECA in the calculation. This criterion is satisfied.

F. Application Submittal Requirements. All short subdivision and subdivision applications, in addition to the application submission requirements included in Title 23 shall meet the applicable application submittal requirements of this chapter, Section 25.09.330, and shall include the information contained in this subsection and Section 25.09.260, as applicable, on the surveyed site plan.

The application includes sufficient information to allow for review and approval of this subdivision. This criterion is satisfied.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision in an environmentally critica area is **GRANTED with conditions**.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area (ECA) due to a riparian corridor management area and steep slopes. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to documenting whether the proposal is consistent with the City's ECA regulations in SMC 25.09, and evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the *State Environmental Policy Act (SEPA)*, *Washington Administrative Code (WAC) 197-11*, and the *Seattle SEPA Ordinance (SMC 25.05)*.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Department of Planning and Development (DPD) has analyzed and annotated the environmental checklist submitted by the project applicant, and reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment; however, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Future construction and operation activities are expected to result in an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions. No further SEPA conditioning is warranted (SMC 23.05.675.A.).

Codes and development regulations applicable to this proposal will provide sufficient mitigation; therefore, no further conditioning or mitigation is warranted pursuant to specific environmental policies or the *SEPA Overview Policy* (SMC 25.05.665).

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).

☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under Revised Code of Washington (RCW) 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the *Optional DNS Process* in WAC 197-11-355 and *Early Review DNS Process* in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SHORT SUBDIVISION

Prior to recording:

1. Revise the note on Sheet 3 to read: “Prior to either separate sale of any parcel or prior to issuance of permits to develop either Parcel A or C, the existing garage is to be removed, one parking space is to be established on Parcel B, and the exterior cabinet on the existing house is to be removed.” (P)
2. Label the “ECA and Buffer Area” on Sheet 3 as “Non-Disturbance Area.” (P)

CONDITIONS – SEPA

None required.

Signature: (signature on file)
Carly Guillory, Land Use Planner
Department of Planning and Development

Date: May 12, 2014